

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

NICOLE ARNOLD,	)	CASE NO. 1:17-CV-2556
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
v.	)	
	)	
PREFERRED INSULATION, INC., <i>et al.</i>	)	<b><u>MEMORANDUM OPINION</u></b>
	)	<b><u>AND ORDER</u></b>
Defendants.	)	

This case is before the Court on Plaintiff, Nicole Arnold’s (“Plaintiff’s” or “Ms. Arnold’s”) Motion to Enforce Settlement Agreement and for Award of Attorney’s Fees. (ECF #45). Plaintiff asks this Court to (1) order Defendants Preferred Insulation, Inc. and Mike Behun (collectively, “Defendants”) to make the remaining second installment payment pursuant to the parties’ Court approved settlement agreement (the “Agreement”) and (2) award Plaintiff attorney’s fees as this Court deems appropriate. Defendants have not opposed this request.


On July 24, 2019, this Court approved the parties’ Agreement under the Fair Labor Standards Act. (ECF #44). Pursuant to the Agreement, Defendants were to pay the settlement amount in two installments. Defendants timely paid the first installment but failed to make full payment of the second installment due on January 20, 2020. Despite Plaintiff’s attempts to obtain payment, Defendants have not complied with the Agreement to date.

The Sixth Circuit recognizes that “summary enforcement of a settlement agreement for which there is no dispute as to the terms of the agreement is the only appropriate judicial response, absent proof of fraud or dress.” *RE/MAX Int’l, Inc. v. Realty One, Inc.*, 271 F.3d 633, 650 (6<sup>th</sup> Cir. 2001); *Dillow v. Ashland*, No. 97-6108, U.S. App. Lexis 20354 at \*\*1-2 (6<sup>th</sup> Cir. Aug. 24, 1999) (holding the district court did not abuse its discretion in enforcing a settlement agreement where

the plaintiff agreed on the record to the same terms enforced by the district court.). Here, Defendants agreed to make two installment payments and there is no dispute as to the terms of the Agreement. Accordingly, summary enforcement of the Agreement is appropriate.

For the reasons set forth above, Plaintiff's Motion to Enforce Settlement and for Award of Attorney's Fees (ECF #45) is GRANTED. Defendants are ordered to comply with the Agreement and make the remaining payment. Plaintiff shall file with this Court a Proposed Order detailing her request for attorney's fees.

IT IS SO ORDERED.

  
\_\_\_\_\_  
DONALD C. NUGENT  
Senior United States District Judge

DATED: \_\_\_\_\_

